

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
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U.S. DISTRICT COURT E.D.N.Y.

★ **SEP 23 2015** ★

LONG ISLAND OFFICE

ORDER  
12-CV-6383 (JFB)(AKT)

-----X  
SKY MEDICAL SUPPLY, INC.,  
:

Plaintiff,  
:

-against-  
:

SCS SUPPORT CLAIMS SERVICES, INC., et al.,  
:

Defendants.  
:  
-----X

JOSEPH F. BIANCO, District Judge:

For the reasons set forth on the record on September 21, 2015, defendants' motions to dismiss (ECF Nos. 342, 349, 353, 354, 356, and 357) are granted with respect to the tenth, eleventh, and twelfth claims (the claims made under theories of common law fraud and unjust enrichment), and are denied in all other respects.

SO ORDERED.

\_\_\_\_\_  
JOSEPH F. BIANCO  
UNITED STATES DISTRICT JUDGE

Dated: September 22, 2015  
Central Islip, New York